

WILKINSBURG BOROUGH COUNCIL MEETING
Legislative Session
July 20, 2011

CALL TO ORDER

President Moore called the meeting to order at approximately 7:10 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkinsburg, PA.

President Moore thanked all for coming and requested that all look out for their neighbors during this time of extreme temperatures, particularly the elderly.

ROLL CALL

The roll was called to establish a quorum. Council members present were: Mr. Lefebvre, Ms. Ervin, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin and President Moore. Also present were Mayor John Thompson, Marla P. Marcinko, Borough Manager and Matt Racunas, Esquire, from the Law Offices of Patricia McGrail, L.L.C., and Borough Solicitor. Ms. Evans was absent. A quorum was established.

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, President Moore requested the audience remain standing to observe a moment of silence in remembrance of all victims of violent crime and our troops.

SPECIAL PRESENTATION

Irene McLaughlin, Esquire - Estate Administration

President Moore asked Ms. Macklin to introduce Irene McLaughlin, Esquire with particular experience in dealing with blight and abandoned property to discuss estate administration. Ms. Macklin commented about recent legislation that provides for estate administration by redevelopment authorities. Ms. McLaughlin commented on the publication "Quick Guide –New Tools to Address Blight & Abandonment." Ms. McLaughlin advised that the Redevelopment Authority of Wilkinsburg would like to pilot a program using estate administration. Ms. McLaughlin stated her support of Council and the Authority in doing so. President Moore questioned whether an individual person can act on their own to investigate eligible properties. Ms. McLaughlin responded that the Redevelopment Authority has professionals in estate administration working with them. She further commented that the Authority would have an attorney handle those matters and no one individual would act independently. Mr. Racunas commented on his discussion with Ms. McLaughlin regarding identifying properties to take through the process. He understood that the Authority would be targeting relatively

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“new” properties that are not significantly tax delinquent. He mentioned that the Sheriff’s Sale process is costly. Ms. Luxemburg commented that the ideal time to commence the estate administration process is six (6) months to two (2) years following the death of the property owners. The challenge is finding the right properties and having heirs step up to determine interests.

Lawrence Maiello, Maiello, Brungo & Maiello – Delinquent Tax Collection Services

President Moore asked Ms. Trice to introduce Mr. Maiello. Ms. Trice commented that she had met and spoken with Mr. Maiello at the ALOM (Allegheny League of Municipalities) annual spring conference regarding his law firms’ delinquent tax collection services. Mr. Maiello commented on his interest in the prior presentation. He distributed materials about the layout of the program and he described the process. An analysis of a delinquent tax account is provided as another service of Mr. Maiello’s firm.

Ms. Macklin questioned how hardship cases are handled and whether there is referrals for assistance. Mr. Maiello responded that the firm does offer options. Ms. Macklin inquired as to how they proactively collect other Act 511 taxes. President Moore questioned how many municipalities they have as clients. Mr. Maiello stated four. Ms. McCarthy-Johnson asked if there would be a problem if the school district uses a different collector. Mr. Maiello advised that would not be a problem.

Ms. Evans arrived at 7:50 PM.

President Moore thanked Mr. Maiello for attending.

PUBLIC COMMENT

Wilbert Wright – 1315 Clark St. – Inquired about the CISP Program. He commented that children are sent to Schuman Detention Facility if parents refuse to pay for truancy. Mr. Wright inquired as to why he was not allowed to ask a question of the Weed and Seed Site Coordinator at the meeting last month and suggested that long-time residents should be recognized at Community Day.

Terri Supowitz – 310 Hay St. – Expressed her enthusiasm about the vote on the ban on natural gas well drilling.

Eve Goodman – 324 Pitt St. – Echoed Ms. Supowitz’ sentiment and cautioned about the effects of natural gas well drilling.

Charque Newell – 600 Lamar St. Apt. #2 – Commented on an article on Marcellus Shale. He questioned who maintains the fifteen (15) mph school zone lights on Ardmore Blvd and why are operational in the middle of July.

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Cem Akin - 6651 Reynolds – Spoke in opposition of natural gas well drilling in Marcellus Shale and expressed his support of the ban.

Marilyn Albert – 622 Hampton Ave. – Commented on the lack of water in the parks. Ms. McCarthy-Johnson advised that some of the water fountains have old mechanical pieces that could not be replaced.

Joni Rabinowitz – 7721 Edgerton – Urged Council to vote for the ban on natural gas well drilling and urged Council to educate themselves about the dangers of drilling.

ORDINANCES ON FIRST READING

Ordinance No. 2871

Amendments to International Property Maintenance Code.

Moved: Mr. Lewis

Seconded by: Mr. Lefebvre

Yes: Ms. Macklin, Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice,
Mr. Lefebvre, Ms. Evans, Ms. Ervin, President Moore

Motion carried

Ordinance No. 2872

Establish Handicap Parking Space – 1339 Woodlawn Avenue

Moved: Mr. Lewis

Seconded by: Mr. Cohn

Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson,
Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

Ordinance No. 2873

Establish Handicap Parking Space – 712 Whitney Avenue

Moved: Mr. Lewis

Seconded by: Mr. Cohn

Yes: Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin,
Mr. Lefebvre, Ms. Ervin, Ms. Evans, President Moore

Motion carried

ORDINANCES ON SECOND READING

Ordinance No. 2870

Prohibiting the commercial extraction of natural gas from the ground within the borders of the Borough of Wilkinsburg.

Moved: Ms. Macklin

Seconded by: Mr. Lewis

Mr. Cohn commented that he was pleased with this action being taken. He further commented that this action does not end the Borough's responsibility in monitoring this issue and continued concerns regarding these operations.

Yes: Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Evans, Ms. Ervin, Mr. Lefebvre, Ms. Macklin, President Moore

Motion carried

Ms. Macklin thanked those who have encouraged Council's action and have been informative. She suggested that similar efforts be encouraged in other communities, particularly Penn Hills given the interest in the site of the former East Hills Shopping Center. Mr. Cohn thanks the residents who started this initiative.

RESOLUTIONS

11-059

Approving the Borough Council Meeting Minutes of June 1, and June 15, 2011.

Moved: Mr. Lewis

Seconded by: Ms. McCarthy-Johnson

Ms. Macklin requested a correction to the June 1, 2011 minutes to specify that Council did not receive financial statements for the first five and one half (5 ½) months of the year. Additionally on the June 1, 2011 minutes, Mr. Cohn was erroneously referred to as Ms. Cohn.

Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Abstain: Ms. Ervin (June 1 minutes only)

Motion carried

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11-060

Approving the June Checks Issued in the amounts as follows:

Regular Distributions 06/01/11-06/30/11	\$ 371,103.83
Payroll Disbursements	\$ 421,035.77
Voided Checks	<u>-0-</u>
Total	\$ 792,139.60

Moved: Ms. McCarthy-Johnson

Seconded by: Mr. Cohn

Yes: Ms. McCarthy-Johnson, Mr. Cohn, Ms. Evans, Mr. Lefebvre, President Moore

No: Mr. Lewis, Ms. Macklin, Ms. Trice, Ms. Ervin

During the voting, Ms. Macklin commented that the Finance Committee does not review the bills in its meeting and noted that two payments had been mistakenly processed to Sembower for camera inspections.

Motion carried 5:4

11-061

Authorizing the filing of an application for funds with the Allegheny County Department of Economic Development for the Ardmore Greenway in the amount of \$275,000.

Moved: Mr. Cohn

Seconded by: Ms. Evans

A motion was made by Mr. Lewis, second by Ms. Trice, to include Resolutions 11-061 through 11-068 on a Consent Agenda.

CONSENT AGENDA

11-061

Authorizing the filing of an application for funds with the Allegheny County Department of Economic Development for the Ardmore Greenway in the amount of \$275,000.

11-062

Authorize the filing of an application for funds with the Allegheny County Department of Economic Development for the Ardmore Blvd. Demolition in the amount of \$150,000.

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11-063

Determining and declaring those structure on the CD 38 Demolition List, individually and collectively, to constitute blighted property in the Borough as defined by the Urban Redevelopment Law.

11-064

Authorizing the filing of an application for funds with the Allegheny County Department of Economic Development for Demolition in the amount of \$100,000.

11-065

Authorizing the filing of an application for funds with the Allegheny County Department of Economic Development for Street Reconstruction in the amount of \$480,000.

11-066

Authorizing the filing of an application for funds with the Allegheny County Department of Economic Development for the Mill St. and North Ave. Retaining Wall in the amount of \$12,000.

11-067

Authorizing the filing of an application for funds with the Allegheny County Department of Economic Development for the Wesley Street Slide Repair in the amount of \$300,000.

11-068

Authorizing the filing of an application for funds with the Allegheny County Department of Economic Development for the installation of automatic doors at the Municipal Building in the amount of \$12,000.

Yes: Ms. Macklin, Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Mr. Lefebvre, Ms. Evans, Ms. Ervin, President Moore

Motion carried

11-069

Reappointing Phyllis Wetherby to the Civil Service Commission for a six-year term which shall continue through July 5, 2017.

Moved: Ms. Macklin

Seconded by: Ms. Trice

Yes: Ms. McCarthy-Johnson, Mr. Lewis, Ms. Trice, Ms. Ervin, Ms. Macklin, President Moore

No: Mr. Cohn, Ms. Evans, Mr. Lefebvre

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Motion carried 5:3

11-070

A Resolution of the Borough Council of the Borough of Wilkinsburg supporting Estate Administration by their Redevelopment Authority and the request of the Redevelopment Authority of Wilkinsburg to apply for a \$60,000 CITF Grant from Allegheny County.

Moved: Mr. Lewis

Seconded by: Ms. Ervin

President Moore commented that she would like to see all parties involved, including the school district, in this process. President Moore requested to table the motion at this time. Ms. Macklin commented that without the resolution of Council, the grant application cannot go forward and that it is the intention of the Redevelopment Authority of Wilkinsburg to engage and work with other agencies. President Moore wants to ensure that all affected parties are involved and support this effort. Ms. Macklin commented on the letter of support received from Senator Ferlo. President Moore requested a copy of the letter and asked that it be sent to the Borough Manager. Ms. Macklin questioned whether the resolution could be approved contingent upon receipt of the letter from Senator Ferlo.

A motion was made by Mr. Cohn, second by Ms. Evans, to table the motion.

Ms. Ervin questioned whether this matter is time sensitive. Ms. Macklin responded that the County wanted the resolution at the time application was made on June 1, 2011. Ms. Macklin again suggested that the resolution be approved contingent upon receipt of the letter from Senator Ferlo. Ms. Evans requested a written opinion from the Solicitor as to any liability which could result to the Borough from the actions of the Redevelopment Authority in performing estate administration. Mr. Racunas agreed with Ms. Evans in that the Authority is governed by the Municipal Authorities Act and is a separate legal entity from the Borough and that both entities have the ability to sue and be sued. President Moore expressed that it would be advisable to obtain an opinion from the Solicitor. Ms. McCarthy-Johnson questioned how properties are selected for this process and how due diligence is realized in making those selections. Ms. Macklin responded that Authority members would mine data to identify properties wherein owners are deceased and other criteria is met. Ms. Macklin further commented that the Authority does not take title to the property and only serves as the estate administrator. President Moore commented that she does not want one individual looking at or entering properties. She stated that she understood from earlier conversation that one of the Authority members would identify the properties. Ms. Macklin responded that the selected properties would be reviewed by legal counsel and all required filings and action would be handled by legal counsel. Ms. Macklin questioned what else was needed by Council to move forward. Mr. Racunas described the process of estate administration and opined that the liability to the Borough would be relatively low. His chief concern is

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properly identifying appropriate properties. Ms. Ervin commented on two properties on Clark Street which she provided the addresses to Ms. Luxemburg. Mr. Cohn requested that a legal opinion be provided to include liability relative to errors and improprieties of the Authority. Mr. Lefebvre commented that the enabling legislation provides that the authority may "take title" to property through estate administration. Ms. Macklin stated that the Authority would be acting as an administrator and would not take property. The VPRP of Tax Compromise process would be used for that purpose. Ms. Macklin clarified that the grant program is a reimbursement program and that the County will exercise due diligence in approving expenditures. President Moore questioned the role of PNC.

Yes: Mr. Cohn, Ms. McCarthy-Johnson, Mr. Lefebvre, Ms. Evans, President Moore

No: Mr. Lewis, Ms. Macklin, Ms. Ervin, Ms. Trice

Motion carried 5:4

11-071

Appointing professionals for the purpose of debt refunding and/or capital financing.

Moved: Mr. Cohn

Seconded by: Mr. Lewis

Yes: Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, Ms. Evans, President Moore

Motion carried

Mr. Lefebvre questioned whether there is an obligation to issue debt with this action. Ms. Marcinko advised that there was not.

OLD BUSINESS

NEW BUSINESS

Ms. McCarthy-Johnson requested approval to hang the Community Day banner on Penn Ave.

Moved: Mr. Cohn

Seconded by: Mr. Lefebvre

Ms. Macklin inquired as to who was paying for the banner. Ms. McCarthy-Johnson advised that this would not be paid by the Borough.

Yes: Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Ervin, Ms. Evans, President Moore

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Motion carried

Ms. McCarthy-Johnson announced a program sponsored by PHFA (Pennsylvania Housing Finance Agency) called Emergency Homeowners Loan Program. She suggested getting the word out to residents and described the program. The program provides assistance to families facing foreclosure available until September 30, 2011 in Pennsylvania. The contact number is 1-800 342-2397. The web address is www.phfa.org/ehlp

ADJOURNMENT

Being no further business, on motion by Mr. Cohn, second by Mr. Lewis, the meeting was adjourned at approximately 8:50 PM.

Eugenia Moore, Council President